



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

FOO/145995

PRELIMINARY RECITALS

Pursuant to a petition filed December 17, 2012, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on January 10, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly terminated the Petitioner's FS benefits effective November 1, 2012.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Belinda Bridges
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On September 20, 2012, the Petitioner submitted a renewal application for FS benefits.
3. On October 2, 2012, the Petitioner provided pay statements dated August 3, 2012 and September 14, 2012.

4. On October 3, 2012, the agency issued a Notice of Proof Needed to the Petitioner requesting income verification from Molina Healthcare. Specifically, the agency indicated it needs the previous 30 days of pay statements. The due date for the requested verification was October 12, 2012.
5. On October 16, 2012, the agency issued a Notice of Decision to the Petitioner informing him that effective November 1, 2012, his FS benefits would end due to failure to provide requested verification.
6. On October 22, 2012, the agency issued a Notice of Decision to the Petitioner informing him that his application for FS benefits had been denied due to failure to provide requested verification.
7. On December 17, 2012, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

FoodShare recipients seeking recertification must verify information the agency needs to determine their eligibility. 7 CFR § 273.2(f). Agencies must deny benefits to those who fail to verify information within 10 days of when the information was requested. FoodShare Wisconsin Handbook, § 1.2.1.2. The Petitioner completed her renewal application and was required to provide earned income verification. When he did not do so by October 12, 2012, the agency ended his benefits.

The Petitioner did not dispute that the previous 30 days of pay statements were not provided though he believed he had complied with the request. He brought pay statements with him to the hearing. The agency indicated that the Petitioner could re-apply while at the agency and it would be able to use the pay statements that he brought with him for the hearing to determine eligibility and FS allotment for January, 2013 forward.

Based on the information provided at the hearing, the agency properly terminated the Petitioner's FS benefits effective November 1, 2012 when it did not receive the requested verification.

CONCLUSIONS OF LAW

The agency properly terminated the Petitioner's FS benefits effective November 1, 2012.

THEREFORE, it is

ORDERED

That the petition be, and hereby is, dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

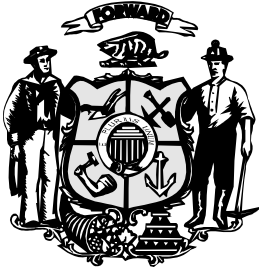
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 11th day of February, 2013

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

David H. Schwarz
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on February 11, 2013.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability